



January 28, 2009

HOUSE BILL No. 1207

DIGEST OF HB 1207 (Updated January 26, 2009 12:00 pm - DI 77)

Citations Affected: IC 16-18; IC 16-42.

Synopsis: Nutritional information at food establishments. Requires a food establishment with ten or more locations in Indiana to make certain nutritional information available to customers for each item or unit of food. Establishes civil penalties for violations.

Effective: July 1, 2009.

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January 12, 2009, read first time and referred to Committee on Public Health.
January 27, 2009, reported — Do Pass.

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HB 1207—LS 6025/DI 77+



January 28, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1207

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-18-2-137, AS AMENDED BY P.L.3-2008,
2 SECTION 105, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: Sec. 137. (a) "Food establishment", for
4 purposes of IC 16-42-5, ~~and~~ IC 16-42-5.2, **and IC 16-42-14.1**, means
5 any building, room, basement, vehicle of transportation, cellar, or open
6 or enclosed area occupied or used for handling food.
7 (b) The term does not include the following:
8 (1) A dwelling where food is prepared on the premises by the
9 occupants, free of charge, for their consumption or for
10 consumption by their guests.
11 (2) A gathering of individuals at a venue of an organization that
12 is organized for educational purposes in a nonpublic educational
13 setting or for religious purposes, if:
14 (A) the individuals separately or jointly provide or prepare,
15 free of charge, and consume their own food or that of others
16 attending the gathering; and
17 (B) the gathering is for a purpose of the organization.

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Gatherings for the purpose of the organization include funerals, wedding receptions, christenings, bar or bat mitzvahs, baptisms, communions, and other events or celebrations sponsored by the organization.

(3) A vehicle used to transport food solely for distribution to the needy, either free of charge or for a nominal donation.

(4) A private gathering of individuals who separately or jointly provide or prepare and consume their own food or that of others attending the gathering, regardless of whether the gathering is held on public or private property.

(5) Except for food prepared by a for-profit entity, a venue of the sale of food prepared ~~for an~~ ~~the~~ organization:

(A) that is organized for:

(i) religious purposes; or

(ii) educational purposes in a nonpublic educational setting;

(B) that is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) that offers the food for sale to the final consumer at an event held for the benefit of the organization;

unless the food is being provided in a restaurant or a cafeteria with an extensive menu of prepared foods.

(6) Except for food prepared by a for-profit entity, an Indiana nonprofit organization that:

(A) is organized for civic, fraternal, veterans, or charitable purposes;

(B) is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) offers food for sale to the final consumer at an event held for the benefit of the organization;

if the events conducted by the organization take place for not more than fifteen (15) days in a calendar year.

SECTION 2. IC 16-18-2-195.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 195.1. "Item or unit of food", for purposes of IC 16-42-14.1, has the meaning set forth in IC 16-42-14.1-1.**

SECTION 3. IC 16-42-14.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 14.1. Food: Nutritional Information

Sec. 1. As used in this chapter, "item or unit of food" means:

(1) an individual food product; or

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(2) a group of food products that have been combined;
that is made available to consumers for consumption.

Sec. 2. A food establishment with ten (10) or more locations in Indiana shall make the following nutritional information available to customers for each item or unit of food that is made available to consumers for consumption by the food establishment:

- (1) Total calories.
- (2) Total fat in grams.
- (3) Total saturated fat in grams.
- (4) Total trans fat in grams.
- (5) Total cholesterol in grams.
- (6) Total sodium in milligrams.
- (7) Total carbohydrates in grams.
- (8) Total fiber in grams.
- (9) Total sugars in grams.
- (10) Total protein in grams.

Sec. 3. (a) Information required under section 2 of this chapter must be made available to consumers in a manner that allows consumers to consider the information when selecting an item or unit of food for consumption, including presenting the information on the printed or posted menu of the food establishment or on a separately printed document made available to consumers.

(b) Information that is made available to consumers under this chapter on a printed or posted menu of the food establishment must be in:

- (1) the same font and format as; or
- (2) a font and format similar to;

the surrounding information regarding the item or unit of food.

(c) Information that is made available to consumers under this chapter on a separately printed document must be in a legible font and format appropriate for the type of document chosen.

Sec. 4. A food establishment that violates this chapter is subject to a civil penalty not to exceed one thousand dollars (\$1,000) for each violation per day. Civil penalties collected under this chapter shall be deposited into the state general fund.

Sec. 5. The following may enforce the provisions of this chapter:

- (1) The state department.
- (2) The health and hospital corporation of Marion County.
- (3) A local health department.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1207, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN C, Chair

Committee Vote: yeas 6, nays 4.

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